

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

vs.

Case Number: 03:00CR043-015 (PG)

RAYMOND VARGAS-DAVILA

* * * * *

**MOTION NOTIFYING SUPERVISED RELEASE VIOLATIONS
REQUEST FOR THE ISSUANCE OF AN EXPEDITED ARREST WARRANT**

**TO THE HONORABLE JUAN M. PEREZ-GIMENEZ
SENIOR UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, Sandra Vélez-García, United States Probation Officer of this Honorable Court, presenting an official report upon the conduct of Mr. Raymond Vargas-Dávila, who on July 10, 2002, was sentenced by Your Honor to serve an eighty four (84) months term of imprisonment, to be followed by a four (4) year term of supervised release, for a violation of Title 21, United States Code, §846. In addition to the thirteen (13) standard conditions imposed, the Court also ordered that Mr. Vargas-Dávila pay a \$100 Special Monetary Assessment, and to submit to drug testing and treatment, if needed.

On October 6, 2006, Mr. Vargas-Dávila commenced his term of supervised release in the Middle District of Florida, and is residing in said district until the present time.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On June 4, 2008, United States Probation Officer Kevin Krause informed that Mr. Vargas-Dávila had violated his conditions of release as follows:

1. VIOLATION OF STATUTORY CONDITIONS: “THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE OR LOCAL CRIME AND SHALL OBSERVE THE STANDARD CONDITIONS OF SUPERVISED RELEASE RECOMMENDED BY THE U.S. SENTENCING COMMISSION AND ADOPTED BY THIS COURT; AND THE DEFENDANT SHALL NOT POSSESS A FIREARM, DESTRUCTIVE DEVICE OR ANY OTHER DANGEROUS WEAPON.”

On June 3, 2008, Mr. Vargas-Dávila was issued a No Trespass Warning for stalking his ex-girlfriend and banging on her residence’s windows. After acknowledging receipt of such warning, Mr. Vargas-Dávila proceeded to trespass, being subsequently arrested by the Orange County Sheriff’s Office in Orange County, Florida. During the arrest, Mr. Vargas-Dávila resisted the arrest; thus, being charged with Trespass on Property After Warning, a violation of Florida Statute 810.09-5; and Resisting an Officer Without Violence, a violation of Florida Statute 843.02.

During the incident, a routine examination of Mr. Vargas-Dávila’s driver’s license and Florida vehicle tag was conducted, revealing that his drivers license had been indefinitely suspended; he had failed to change his address on the Florida driver’s license, as required; and the vehicle registration was expired. Final disposition of these cases are pending to be received.

On that same day, while conducting field visits at the Orange County, Florida, United States Probation Officer Kevin Krause, Middle District of Florida, observed in plain view, inside Mr. Vargas-Dávila's vehicle, a 2-inch diameter aluminum bat, which Mr. Vargas-Dávila admitted to be of his property. The bat was seized by the U.S. Probation Officer.

2. VIOLATION OF STANDARD CONDITION NO. 6: "THE DEFENDANT SHALL NOTIFY THE PROBATION OFFICER TEN DAYS PRIOR TO ANY CHANGE IN RESIDENCE OR EMPLOYMENT".

On or about March 28, 2008, Mr. Vargas-Dávila moved from the address of record and failed to notify to the Probation Officer the change in address.

3. VIOLATION OF STANDARD CONDITION NO. 2: "THE DEFENDANT SHALL REPORT TO THE PROBATION OFFICER AND SHALL SUBMIT A TRUTHFUL AND COMPLETE WRITTEN REPORT WITHIN THE FIRST FIVE DAYS OF EACH MONTH".

On April 7, 2008, Probation Officer Kevin Krause received a Monthly Supervision Report submitted by Mr. Vargas-Dávila which indicated that he had returned to his address of record in Orlando, Florida. On May 5, 2008, the Probation Officer made an attempt to contact Mr. Vargas-Dávila at the location, and was informed that he had not resided at the residence for several month. As such, Mr. Vargas-Dávila failed to submit a truthful written report, as required by Court.

4. VIOLATION OF STANDARD CONDITION NO. 3: "THE DEFENDANT SHALL ANSWER TRUTHFULLY ALL INQUIRIES BY THE PROBATION OFFICER AND FOLLOW THE INSTRUCTIONS OF THE PROBATION OFFICER".

On May 29, 2008, Mr. Vargas-Dávila was instructed by Probation Officer Kevin Krause to report to the United States Probation Office on May 30, 2008, but he failed to report as instructed.

WHEREFORE, I declare under penalty of perjury that the foregoing is true and correct and unless the Court rules otherwise, it is respectfully requested the Court order that an expedited warrant be issued for Mr. Vargas-Dávila's arrest so that he may be brought before this Honorable Court to show cause why his supervised release term should not be revoked, thereupon, he to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 6th day of June 2008.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 6th, 2008, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECR system which will send notification of such filing to the following:

U.S. Attorney's Office, Torre Chardón, Suite 1201, #350 Carlos Chardón Ave., San Juan, Puerto Rico and U.S. Public Defender Office, 241 F.D. Roosevelt, El Patio Gallery Bldg., San Juan, Puerto Rico.

In San Juan, Puerto Rico, June 6th, 2008.

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